

REMARKS

In the Office Action¹, the Examiner rejected claim 25 on the ground of nonstatutory obviousness-type double patenting over:

claims 1 and 12 of U.S. Patent 7,382,399;
claims 1, 9, and 10 of U.S. Patent RE 36,207;
claims 10, 14, and 15 of U.S. Patent 5,384,588;
claims 1 and 9-11 of U.S. Patent 5,359,363; and
claims 1, 7-9, and 15 of U.S. Patent No. 5,313,306.

By this Reply, Applicants amend independent claim 25 to correct a minor typographical error. Only claim 25 is pending in the application.

Terminal Disclaimer

Applicants have filed herewith a Terminal Disclaimer to overcome the double patenting rejections based on U.S. Patents RE 36,207, 5,384,588, 5,359,363, and 5,313,306. Accordingly, these double patenting rejections are moot, and Applicants respectfully request that they be withdrawn.

Double Patenting Rejection based on U.S. Patent 7,382,399

Applicants respectfully traverse the double patenting rejection of claim 25 over claims 1 and 12 of U.S. Patent 7,382,399 (the '399 patent).

The MPEP states, "[c]laims that **differ from each other** . . . are not considered to be drawn to the same invention for double patenting purposes under 35 U.S.C. 101." MPEP § 804.02 (II) (emphasis added).

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Claim 1 of the '399 patent is directed to a system for providing perspective corrected views of a selected portion of a received optical image, comprising, among other features,

image capture means for receiving signals corresponding to said received optical image and for digitising said signal;
...

input means for selecting a non-predetermined portion of said received image to view; ... and

output means connected to said output image memory means for recording or displaying said perspective corrected image of said selected portion

(emphasis added). In contrast, pending claim 25 is directed to **a memory for a signal processor** that comprises none of the image capture means, the input means, and the output means.

For at least these reasons, pending claim 25 is different and patentably distinct from claims 1 and 12 of the '399 patent. This is the case even though pending claim 25 and claim 12 of the '399 patent may recite the same equations. Accordingly, Applicants request that the double patenting rejection of claim 25 based on the '399 patent be withdrawn.

Conclusion

Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. If the Examiner believes that a telephone conference would be useful in resolving any outstanding issues, the Examiner is kindly invited to contact the undersigned at 202.216.5118.

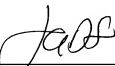
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 29, 2009

By: _____



James D. Stein
Reg. No. 63,782
202.216.5118 (direct)